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3 **UNITED STATES DISTRICT COURT**
4 **SOUTHERN DISTRICT OF CALIFORNIA**

5 MD INSIDER, INC.,

6 Plaintiff and Counter-
7 Defendant,

8 vs.

9 DAVID BROSSO, an individual,

10 Defendant and
11 Counter-Plaintiff.

Case No. 15CV2395 DMS NLS

(San Diego Superior Court Case No.
37-2015-00030698-CU-BC-CTL)

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13 **JOINT MOTION FOR DISMISSAL WITH PREJUDICE**

14 This Joint Motion for Dismissal with Prejudice is submitted by Plaintiff MD
15 Insider, Inc. and Defendant David Brosso (collectively, the “Parties”) pursuant to
16 Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a settlement
17 agreement executed by the Parties on September 15, 2016. The Parties have
18 agreed to settle all claims in the above-captioned action (this “Action”). The
19 Parties therefore move this court to dismiss all claims by MD Insider against David
20 Brosso and all counter-claims by David Brosso against MD Insider made in this
21 Action with prejudice to re-filing of the same. The Parties further move the Court
22 to order that all costs and expenses relating to this Action shall be borne solely by
23 the party incurring the same.
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3 DATED: September 27, 2016

Respectfully submitted,

4 By: s/ Kevin Sadler
Kevin Sadler

5 Kevin Sadler
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12 Defendant
MD INSIDER, INC.

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14 By: s/ Richard Gallucci
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25 Attorneys for Defendant and Counter-
26 Plaintiff David Brosso
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PROOF OF SERVICE

I, Kevin Sadler, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. I am employed in the County of Santa Clara, California and my business address is 1001 Page Mill Road, Building One, Palo Alto, California 94304. My email address is kevin.sadler@bakerbotts.com.

On September 27, 2016, I served the following documents:

JOINT MOTION OF DISMISSAL WITH PREJUDICE

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
- ☐ by placing the documents listed above in a sealed envelope with First Class, Certified Mail, Return Receipt Requested postage thereon fully prepaid, and depositing in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the documents listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- ☐ by causing the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below.
- ☐ by transmitting (in "pdf" format) via electronic mail the documents listed above to each of the persons as set forth below.
- ☒ via the Court's electronic filing system per Local Rule 5.4.

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9 aparry@stokeswagner.com

10 I declare under penalty of perjury under the laws of the State of California
11 that the above is true and correct. Executed on September 27, 2016 at Palo
12 Alto, California.
13

14 s/ Kevin Sadler
15 Kevin Sadler
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